

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Estt. – T & A Dept. – A.V.R.K. Sharma, Junior Accountant, Sub-Treasury, Polavaram, West Godavari Dist. – Expired while in service – Compassionate appointment to his elder sister Kum. A. Sita Mahalakshmi – Orders of Hon’ble A.P.A.T. dt. 6-11-2008 in O.A.No. 6120 of 2005 filed by Kum. A. Sita Mahalakshmi confirmed by Hon’ble A.P. High Court on 21-12-2009 in W.P.No. 18661 of 2009 – Implemented – Orders – Issued.

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FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 2491

Dt.11-5-2010

Read the following:

1. Orders of Hon’ble A.P.A.T. dt. 6-11-2008 in O.A.No. 6120 of 2005 filed by Kum. A. Sita Mahalakshmi.
2. Orders of Hon’ble A.P. High Court, dt. 21-12-2009 in W.P. No. 18661 of 2009 filed by the Department.
3. Lr. No. A2/21176/2008, dt. 8-1-2010 from the D.T.A., A.P., Hyderabad.
4. Letter of Sri Rama Krishna Annavajjula, Advocate, Hyderabad Dt. 23-1-2010 along with copy of orders of Hon’ble High Court.

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O R D E R:

Sri A.V.R.K. Sharma was allotted to the Treasury unit, West Godavari by the Collector, West Godavari on compassionate grounds and accordingly he was appointed as Junior accountant in the Treasury Unit, West Godavari and reported for duty on 1-6-1999. Sri A.V.R.K. Sharma was died in road accident on 12-11-2003. At the time of his death he is leaving behind his mother and two elder sisters. The mother of the deceased employee represented to the Deputy Director, Dist. Treasury, West Godavari to provide employment to her unmarried second daughter on compassionate grounds who is elder to the deceased. According to the orders issued in G.O.Ms.No.612, G.A. (Ser.A) Dept., dt. 30-10-1991, the younger brother/sister of the deceased Government servant who remained unmarried can be considered for appointment under the scheme, provided there is no other earning member in the family. Hence the Deputy Director, Dist. Treasury, West Godavari in her Memo. No. 6193/A2/2003, dt. 1-5-2004 rejected the request of the mother of the deceased employee. The mother of the deceased Government employee made an appeal to the Government and the Government have also rejected her request vide Memo. No. 3824/629/A1/Admn.III/2004, dt. 14-12-2004.

2. Aggrieved by that Kum. A. Sita Mahalakshmi the elder sister of the deceased Government employee Sri A.V.R.K. Sharma has filed O.A.No. 6120 of 2005 before Hon’ble A.P.A.T. to consider her case for compassionate appointment.

3. The APAT allowed the O.A.No.6120 of 2005 vide its order dt.6.11.2008 by observing as follows:

“The intention of the State is to see that the family of the deceased employee is not on streets and to come to the rescue of the dependents of the deceased employee on humanitarian grounds and the validity of the policy was upheld by the Supreme Court number of times. So, any interpretation of the Scheme should be in consonance with the principles behind the scheme. Any interpretation of the Scheme should not defeat the scheme itself. These things must be born in mind, while interpreting the relevant provision in G.O.Ms.No.612, GA (Ser.A) Department.”

“if there is no younger brother or sister to the deceased employee and if there is on elder sister or brother, who are qualified and who is dependent upon the deceased and if compassionate appointment is denied on the ground that there is no younger brother or younger sister, it leads to leaving the family in distress and defeats the object of the very scheme itself. If the interpretation that was given under the impugned Memo is

accepted, there cannot be any compassionate appointment in the case of absence of unmarried younger member of the family and it amounts to discrimination. So, the provision must be understood that the younger brother or sister is to be preferred, if there is no elder brother or sister. It shall not be read that if there is no younger brother or sister, no compassionate appointment should be given.”

“ the elder brother or sister of deceased unmarried person, who is dependent upon the deceased employee can be given employment on compassionate grounds, if there is no younger brother or younger sister to the deceased.”

“Here, the question of relaxation of any Rule does not arise. It is only interpretation of the G.O.Ms.No.612. Obviously, it is wrongly interpreted by the concerned authorities and the impugned Memo is bad under law. Therefore, the applicant is entitled for compassionate appointment in pursuance of the scheme laid down by the State.”

“the application is allowed. The impugned Memo.No.3824/629/A1/Admn-III/2004, Finance (Admn-III) Department, dated.14.12.2004 is held to be bad under Law and accordingly set aside. The Respondents are directed to consider the case of applicant for compassionate appointment, irrespective of the fact that she is the elder sister of the deceased employee and pass necessary orders within a period of eight weeks from the date of receipt of this order.

4. Aggrieved by the orders of the APAT dt.06.11.2008, State of AP approached the High Court in W.P.No. 18661 of 2009 and the High Court in its orders dt.21.12.2009 while dismissing the W.P.No.18661 of 2009 observed as follows:

**“the said controversy is clarified by the Government itself vide orders in G.O.Ms.No.350, GA (Ser.A) Department, dated.30.07.1999 which reads as under. As per para 4 thereof, when there is only a married daughter to the deceased Government employee without older or younger brothers or sisters and the spouse of the deceased Government employee is not willing to avail the compassionate appointment, such married daughter may be considered for compassionate appointment, provided she is dependent on the deceased Government employee and subject to satisfying, the other conditions and instructions issued on the scheme from time to time. When a married dependent daughter of the deceased Government employee in the absence of any other older or younger brothers or sisters and spouse of the deceased Government employee entitled for the compassionate appointment, we are unable to accept the contention of the learned GP that the unmarried elder sister of the deceased Government employee is not entitled for such compassionate appointment.”**

**“It is also not a case where there is a need for relaxation of rules to provide compassionate appointment to the respondent and the orders of Government in G.O.Ms.No.400, GA (Ser.A) Department dated.12.09.1996 are not applicable to the instant case in view of the orders in G.O.Ms.No.360, GA (Ser.A) Department, dated.30.07.1999 which is latter to the aforesaid two G.Os. Therefore, we are not inclined to interfere with the order of the Tribunal on any ground and the writ petition is devoid of merits.”**

**“The writ petition is accordingly dismissed. However, at the request of the learned GP for Services and having regard to the facts and circumstances of the case, we extend the time granted by the Tribunal to consider the case of the respondent for compassionate appointment irrespective of the fact that she is the elder sister of the deceased employee, by eight weeks from today.”**

5. Government after careful examination of the matter, hereby order to consider the request of Kum A.Sita Mahalakshmi, unmarried elder sister of Mr. A.V.R.K. Sharma, who died in harness, for her compassionate appointment by implementing the orders of Hon'ble APAT dt.6.11.2008 in O.A.No.6120 of 2005 as confirmed by the Hon'ble High Court by its orders dt.21.12.2009 in W.P.No.18661 of 2009 as a special case, in relaxation of the orders issued in G.O.Ms.No.612, GA (Ser.A) Department, dt.30.11.1991 subject to fulfilling other conditions on the scheme of compassionate appointments.

6. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM  
PRL. SECRETARY TO GOVERNMENT (FP)

To  
The individual,  
(through the DTA, A.P., Hyd.)  
Copy to:  
The D.T.A., A.P., Hyderabad.  
Sri Rama Krishna Annavajjula,  
Advocate,  
Gandhi Nagar, Hyderabad.

// Forwarded :: By Order //

SECTION OFFICER